IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 34486 of 2006(E)

AGAINST THE ORDER DATED 21/11/2006 IN EP 77 2004 IN OS.110/2003 of MUNI-MAGI.COURT,THODUPUZHA

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PETITIONER:

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1. M.D. RAJAN, S/O.DAMODARAN NAIR,
   AGED 53 YEARS, MADATHIPARAMBIL HOUSE,
   THODUPUZHA TOWN, IDUKKI DISTRICT,
   PRESENTLY WORKING AS EXAMINER MUNSIFF COURT,
   DEVIKULAM AND RESIDING AT GOVERNMENT
   QUARTERS DEVIKULAM.

2. A.B. ABOOBACKER, S/O. BAVA,
   PRESENTLY WORKING AS BENCH CLERK,
   DISTRICT COURT THODUPUZHA, RESIDNG AT
   GOVERNMENT QUARTERS, THODUPUZHA.

BY ADV. SRI.N.M.VARGHESE
SRI.ROY THOMAS

RESPONDENTS:

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1. THE DHANALAKSHMI BANK LTD.,
   REPRESENTED BY ITS MANAGER,
   MUNNAR.

2. K. JABBAR (RETIRED GOVERNMENT SERVANT)
   OLICKAL HOUSE, BEHIND FISH MARKET,
   THODUPUZHA P.O., THODUPUZHA.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C) No.34486/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT.P1: A PHOTOCOPY OF E.P.NO.77/2004 IN O.S. NO.110/2003 IN THEFILE OF THE MUNSIFF COURT, THODUPUZHA.

EXHIBIT.P2: A PHOTOCOPY OF THE ORDER OF THE MUNSIFF COURT, DEVIKULAM DATED 21/11/2006 PASSED IN E.P. NO.77/2004 IN O.S. NO.110/2003

EXHIBIT.P3: A PHOTOCOPY OF COMMUNICATION DATED 25/11/2006 ISSUED BY THE RESPONDENT BANK ADDRESSING THE 1ST PETITIONER

EXHIBIT.P4: A PHOTOCOPY OF LETTER DATED 2/12/2006 ISSUED BY THE 1ST RESPONDENT BANK ADDRESSING THE 1ST PETITIONER

EXHIBIT.P4(a): A TRUE PHOTOCOPY OF ENGLISH TRANSLATION OF EXT.P4

EXHIBIT.P5: A PHOTOCOPY OF DOCUMENT OF ONE-TERM SETTLEMENT DATED 18/12/2006 ENTERED INTO BETWEEN THE 1ST PETITIONER AND THE 1ST RESPONDENT BANK.

(TRUE COPY)

P.A. TO JUDGE

M.N.KRISHNAN, J.

W.P. (C) No.34486 of 2006

Dated this the 30th day of January, 2007

JUDGMENT

This writ petition is filed to quash Ext.P2 order directing the arrest of the writ petitioner. The learned counsel submits before me that as per the endorsement in Ext.P5, parties have settled the matter for Rs.21,500/- with a stipulation to pay Rs.10,000/- on or before 20-02-2007 and the balance to be paid on or before 25-03-2007, and in case of default of one instalment, the one term settlement will be cancelled. This is recorded and writ petition is disposed of and the judgment debtor shall not be arrested till the period stipulated in the one-term settlement is over.

(M.N.KRISHNAN,JUDGE)

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